

**REMARKS**

Please reconsider the application in view of the above amendments and the following remarks. Applicant thanks the Examiner for courtesies extended during the Examiner Interview conducted on October 4, 2006.

**Disposition of Claims**

Claim 1-20, 22, 23, 27-39, 51-68, 76-87, 101-119, 121, 122, 124, 125, 127-129, 131-133, 135-137, 139, and 140-142 are currently pending in this application. Claims 1, 12, 51, 60 and 141, are independent. The remaining claims depend, directly or indirectly, from claims 1, 12, 51, 60 and 141.

**Claim Amendments**

As discussed during the Examiner Interview conducted on October 4, 2006, independent claims 1, 51, and 141 have been amended to clarify that the present invention permits *one of* either audio access *or* visual access to a program displayed in a mosaic window. That is, the invention provides either audio access or visual access to a program, but not both, before it is determined whether access rights exist for a user to obtain full audio/video access to the program.

Applicant asserts that no new subject matter is added by way of these amendments. Support for this amendment may be found, for example, on page 3, page 4, line 31 to page 5, line 4 of the Specification. Specifically, page 3 is focused solely on permitting only audio access, while the discussion beginning on page 4, line 31 says “*alternatively*, or in addition, the decoder may simply prohibit the generation of video information...” This indicates that the

present invention contemplates *permitting only audio or only video access*, but not both, to a program displayed in a mosaic window formation before access rights of a user are determined. Further support may be found on page 24, lines 1-3 and page 32, line 26 of the Specification.

Additionally, as discussed during the Examiner Interview conducted on October 4, 2006, independent claims 12 and 60 have been amended to recite that the cursor is automatically repositioned within a non-instantaneous pre-determined period of time when the cursor is placed on a window that displays a program to which access by the user is not permitted. Applicant asserts no new subject matter is added by way of these amendments. Support for this amendment may be found, for example, on pages 3-4 and pages 23-24 of the Specification.

#### **Rejections under 35 U.S.C. § 102**

Claims 1-4, 28, 30, 35, 36, 51-53, 76, 78, 83, 84, and 139 stand rejected under 35 U.S.C. 102(b) as being anticipated by WO 96/37996 ("Townsend"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As discussed with the Examiner during the Examiner Interview conducted on October 4, 2006, the present invention is directed toward permitting either only audio access or only visual access to a program before access rights to the program are determined for a particular user. Thus, while the user can browse program listings in a mosaic window format, the user cannot obtain *both* audio and visual access to a program, unless the user has access rights to the program. Until the user's access rights are determined by the decoder, the user can either listen to the program, or view the visual contents of the program, but cannot do both. Accordingly,

independent claims 1, 51, and 141 have been amended to recite that *one of* only audio access or only visual access is permitted.

In contrast, and as agreed to by the Examiner, Townsend discloses a audio/visual system that either provides full access to a program, if the user has access rights to the program, or provides no access to the program (*i.e.*, neither audio nor visual access is permitted if a user does not have access rights to the program) (*see* Townsend, Abstract). Townsend only discloses that a program is scrambled to prevent unauthorized access. Effectively, this results in prohibiting full audio/visual access to unauthorized users, but does not *permit one of only audio access or only visual access* to the audio/visual program. In Townsend, either the user is authorized, in which case the user can access the entire audio/visual program, or the user is unauthorized, in which the complete program is prohibited from being viewed or heard.

In view of the above, it is clear that Townsend fails to disclose each and every limitation recited in amended independent claims 1 and 51. Thus, amended independent claims 1 and 51 are patentable over Townsend. Dependent claims 2-4, 28, 30, 35, 36, 52-53, 76, 78, 83, 84, and 139 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

#### **Rejection under 35 U.S.C. § 103**

Claims 5-8, 54-56, and 140 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend in view of U.S. Patent No. 5,758,259 ("Lawler"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Townsend fails to disclose all the limitations of amended independent claims 1 and 51. Further, Lawler fails to supply that which Townsend lacks. In particular, Lawler relates to a method of providing viewers with personalized guides to programming available on interactive TV or televideo systems (*see* Lawler, Abstract). Specifically, Lawler discloses a method for providing a viewer on an IT system with a programming guide that is automatically personalized based on the viewing history of the viewer (*see* Lawler, col. 2, ll. 31-33). Lawler is completely silent with respect to permitting one of only audio access or only visual access by a user to a program/channel that is displayed in windows of a mosaic formation. In fact, Lawler is not even related to prohibiting complete access to a program/channel based on any type of access restrictions.

In view of the above, it is clear that independent claims 1 and 51 are patentable over Townsend and Lawler, whether considered separately or in combination. Further, dependent claims 5-8, 54-56, and 140 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 9, 10, 57, and 58 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend in view of U.S. Patent No. 5,874,936 ("Berstis"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Townsend fails disclose all the limitations of independent claims 1 and 51. Further, Berstis fails to supply that which Townsend lacks, as evidenced by the fact that the Examiner relies on Berstis solely for the purpose of disclosing a "means for automatically re-positioning the cursor in the event that the cursor is placed over the window that is not active," where the cursor is repositioned either immediately or after a predetermined length of time (*see* Office Action mailed June 27, 2006, page 8).

In view of the above, it is clear that independent claims 1 and 51 are patentable over Townsend and Berstis, whether considered separately or in combination. Further, dependent claims 9, 10, 57, and 58 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 11, 13, 59, and 61 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend in view of U.S. Publication No. 2003/0101452 ("Hanaya"). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Townsend fails disclose all the limitations of independent claims 1 and 51. Further, Hanaya fails to supply that which Townsend lacks, as evidenced by the fact that Hanaya is relied upon solely for the purpose of disclosing changing attributes of a cursor depending on the characteristic of a program/channel displayed in a window over which the cursor is positioned (*see* Office Action mailed June 27, 2006, pages 9-10).

Claims 12, 60, 63, 64, 66, 101, 107, 118, 124, 128, and 132 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,903,314 ("Niijima" in view of Hanaya. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

Independent claims 12 and 60 have been amended to recite that the cursor is repositioned after a non-instantaneous pre-determined period of time, when the cursor is placed on a window displaying a program to which full access is prohibited. As discussed with the Examiner during the Examiner Interview conducted on October 4, 2006, the combination of Niijima and Hanaya fails to teach or suggest automatically re-positioning a cursor after a *non-instantaneous pre-*

*determined period of time* placed on a window displaying a program to which full access is prohibited.

In view of the above, it is clear that independent claims 12 and 60 are patentable over Niijima and Hanaya, whether considered separately or in combination. Dependent claims 63, 64, 101, 107, 118, 124, 128, and 132 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 15-19, 31, 33, 38, 39, 65, 79, 86, 87, 102, 108, 111, 112, 119, 125, 127, 131, and 133 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend in view of Niijima. As described above, Townsend fails to disclose or suggest all the limitations of independent claims 1 and 51. Further, Niijima fails to supply that which Townsend lacks. Specifically, Niijima discloses an electrical program guide system and method by which a desired program can be rapidly selected directly from among a large number of programs arranged in a mosaic formation (*see* Niijima, Abstract). Niijima only discloses displaying and storing the various programs for user selection and allowing a user to scroll through the displayed programs to select a desired program. In fact, in Niijima, once the programs are displayed in the nine (9) windows in the mosaic formation, Niijima provides complete access to these nine programs and is completely silent with respect to providing one of only audio access or only visual access to the displayed programs.

In view of the above, it is clear that independent claims 1 and 51 are patentable over Townsend and Niijima, whether considered separately or in combination. Further, dependent claims 15-19, 31, 33, 38, 39, 65, 79, 86, 87, 102, 108, 111, 112, 119, 125, 127, 131, and 133 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 20, 22, 23, 27, 103, 113, 114, and 116 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend in view of US. Patent No. 5,809,204 (“Young”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Townsend fail to disclose or suggest the limitations of amended independent claims 1 and 51. Further, Young fails to supply that which Townsend lacks, as evidenced by the fact that for rejecting claims 20 and 113, Young is used by the Examiner solely for the purpose of disclosing a means for generating a display comprising a forthcoming program schedule for the channel displayed in the desired window (*see* Office Action mailed June 27, 2006, page 20). With respect to claims 22, 23, 114, and 116, the Examiner relies on Young solely for the purpose of disclosing a forthcoming schedule and the textual display of program schedule information (*see* Office Action mailed June 27, 2006, page 20). With respect to claim 27, the Examiner uses Young solely for the purpose of disclosing that pictorial images comprise video footage (*see* Office Action mailed June 27, 2006, page 20).

In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Townsend and Young, whether considered separately or in combination. Dependent claims 20, 22, 23, 27, 103, 113, 114, and 116 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 32, 80, and 81 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend in view of Nijima and further in view of U.S. Patent No. 5,663,757 (“Morales”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, neither Townsend nor Nijima disclose all the limitations of amended independent claims 1 and 51. Further, Morales fails to supply that which Townsend and Nijima lack, as evidenced by the fact that the Examiner relies on Morales solely for the purpose of disclosing logos on channels and images (*see* Office Action mailed June 27, 2006, page 21). In view of the above, amended independent claims 1 and 51 are patentable over Townsend, Nijima, and Morales, whether considered separately or in combination. Dependent claims 32, 80, and 81 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 29 and 77 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend in view of U.S. Patent No. 5,594,509 (“Florin”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Townsend fails to disclose the limitations of amended independent claims 1 and 51. Further, Florin fails to supply that which Townsend lacks, as evidenced by the fact that the Examiner relies on Florin solely for the purpose of disclosing authenticating a PIN number (*see* Office Action mailed June 27, 2006, page 22). In view of the above, amended independent claims 1 and 51 are patentable over Townsend and Florin, whether considered separately or in combination. Dependent claims 29 and 77 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 34 and 82 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend in view of U.S. Publication No. 2001/0052135 (“Balakrishnan”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.



As described above, Townsend fails to disclose all the limitations of amended independent claims 1 and 51. Further, Balakrishnan fails to supply that which Townsend lacks, as evidenced by the fact that the Examiner relies on Balakrishnan solely for the purpose of disclosing an advertisement (*see* Office Action mailed June 27, 2006, pages 22-23). In view of the above, amended independent claims 1 and 51 are patentable over Townsend and Balakrishnan, whether considered separately or in combination. Dependent claims 34 and 82 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 37 and 85 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend in view of U.S. Patent No. 5,978,649 (“Kahn”). To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Townsend fails to disclose all the limitations of amended independent claim 1. Further, Kahn fails to supply that which Townsend lacks, as evidenced by the fact that the Examiner relies on Kahn solely for the purpose of disclosing a means for generating a message due to lack of access rights when a cursor is on a channel (*see* Office Action mailed June 27, 2006, page 23). In view of the above, amended independent claim 1 is patentable over Townsend and Kahn, whether considered separately or in combination. Dependent claims 37 and 85 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 62, 68, 115, and 117 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijima, Hanaya, and further in view of Young. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Niijima and Hanaya fail to disclose or suggest all the limitations of amended independent claim 60. Further, with respect to claim 62, Young fails to supply that which Niijima lacks, as evidenced by the fact that the Examiner uses Young solely for the purpose of disclosing receiving data for assigning the characteristic from a remote control handset associated with the decoder and means for assigning the characteristic in response to the received data (*see* Office Action mailed June 27, 2006, page 24).

Similarly, with respect to claim 68, Young is used by the Examiner solely for the purpose of disclosing a means for generating a display comprising a forthcoming program schedule for the channel displayed in the desired window (*see* Office Action mailed June 27, 2006, page 24). With respect to claims 115 and 117, the Examiner relies on Young solely for the purpose of disclosing a forthcoming schedule and the textual display of program schedule information (*see* Office Action mailed June 27, 2006, page 25).

In view of the above, it is clear that amended independent claim 60 is patentable over Niijima, Hanaya, and Young, whether considered separately or in combination. Further, dependent claims 62, 68, 115, and 117 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 67 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Niijima, Hanaya, and further in view of Townsend. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, none of Niijima, Hanaya, and Townsend disclose or suggest the limitations of amended independent claim 60. Thus, it is clear that amended independent claim 60 is patentable over Niijima, Hanaya, and Townsend, whether considered separately or in

combination. Dependent claim 67 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 104 and 121 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Nijjima, Hanaya, and further in view of Kahn. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Nijjima and Hanaya fail to disclose or suggest all the limitations of amended independent claim 60. Further, Kahn fails to supply that which Nijjima and Hanaya lack, as evidenced by the fact that the Examiner relies on Kahn solely for the purpose of a means for generating message information for a user of the access rights of a channel in the event of placing a cursor on the channel (*see* Office Action mailed June 27, 2006, page 26). In view of the above, it is clear that amended independent claim 60 is patentable over Nijjima, Hanaya, and Kahn, whether considered separately or in combination. Dependent claims 104 and 121 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 105 and 122 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend and Nijjima, and further in view of Kahn. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Townsend and Nijjima fail to disclose or suggest all the limitations of amended independent claims 1 and 51. Further, Kahn fails to supply that which Nijjima and Townsend lack, as evidenced by the fact that the Examiner relies on Kahn solely for the purpose of a means for generating message information for a user of the access rights of a channel in the event of placing a cursor on the channel of the EPG (*see* Office Action mailed June 27, 2006,

page 27). In view of the above, it is clear that amended independent claims 1 and 51 are patentable over Townsend, Nijima, and Kahn, whether considered separately or in combination. Dependent claims 105 and 122 are patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 106 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend in view of Young and further in view of Kahn. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, amended independent claim 1 is patentable over Townsend, Young, and Kahn, whether considered separately or in combination. Further, dependent claim 106 is patentable over Townsend, Young, and Kahn for at least the same reasons as independent claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 109 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend in view of Young and further in view of Nijima. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, amended independent claim 1 is patentable over Townsend, Young, and Nijima, whether considered separately or in combination. Further, dependent claim 109 is patentable over Townsend, Young, and Kahn for at least the same reasons as amended independent claim 1. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 135 and 137 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Townsend in view of Nijima and further in view of Florin. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

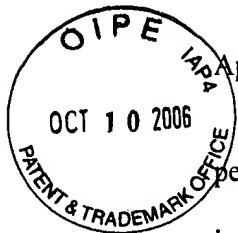
As described above, amended independent claim 51 is patentable over Townsend, Niijima, and Florin, whether considered separately or in combination. Further, dependent claim 135 is patentable over Townsend, Niijima, and Florin for at least the same reasons as amended independent claim 51. Accordingly, withdrawal of this rejection is respectfully requested.

Claim 136 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Niijima and Hanaya, and further in view of Florin. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, Niijima and Hanaya fail to disclose or suggest the limitations of amended independent claim 60. Further, Florin fails to supply that which Niijima and Hanaya lack, as evidenced by the fact that the Examiner relies on Florin solely for the purpose of disclosing a window in constant position (*see* Office Action mailed June 7, 2006, page 29). In view of the above, it is clear that amended independent claim 60 is patentable over Niijima, Hanaya and Florin, whether considered separately or in combination. Dependent claim 136 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

Claims 141 and 142 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Niijima in view of Townsend. To the extent that this rejection may still apply to the amended claims, this rejection is respectfully traversed.

As described above, amended independent claims 1 and 51 are patentable over Niijima and Townsend, whether considered separately or in combination. Independent claim 141 has been amended to include similar subject matter as amended independent claims 1 and 51. Particularly, independent claim 141 recites that only one of audio access or visual access is



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permitted by the user while a program is displayed in the mosaic window formation, if the user is not permitted complete access to the program.


In view of the above, amended independent claim 141 is patentable Nijima and Townsend, whether considered separately or in combination, for at least the same reasons as amended independent claims 1 and 51. Dependent claim 142 is patentable for at least the same reasons. Accordingly, withdrawal of this rejection is respectfully requested.

### Conclusion

Applicant believes this reply is fully responsive to all outstanding issues and places this application in condition for allowance. If this belief is incorrect, or other issues arise, the Examiner is encouraged to contact the undersigned or his associates at the telephone number listed below. Please apply any charges not covered, or any credits, to Deposit Account 50-0591 (Reference Number 11345/028001).

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Respectfully submitted,

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